IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 400 OF 2005

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

Mr. S.B. Singh for the petitioner.

Ms. T.H. Puranik for Resp. No.1. Respondent No.2 present in person.

Mr. Anand Kumar for Resp. No.3. Mr. B.H. Mehta, A.P.P. for Resp.No.4.

CORAM: R.M.S. KHANDEPARKAR & P.V. KAKADE, JJ.

DATED: 9TH MARCH, 2005

P.C.:

1. The grievance of the petitioner is that, before instituting the complaint against the petitioner, the Corporation did not issue required notice. On the other hand, it is the case of the learned advocate for the respondents that prior notice was issued to the petitioners prior to filing of the complaint, however, they did not comply with the notice and, therefore, the complaint was filed. It is the contention of the petitioner that it is a false complaint and the notice was issued to a wrong person. All these issues, the petitioner can very well

raise before the Court wherein the complaint is filed. The question of adjudication of those issues in the writ petition does not arise at all. Since there are disputed questions of facts, prior adjudication in that regard of the trial Court is necessary and it is premature for interference even under the provisions of Sec. 482 of Cr.P.C. Hence, the petition is rejected.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO. 981 OF 2004

IN

CRI. WRIT PETITION NO. 400 OF 2005

Office Notes, Office Memoranda of :

of Coram, appearances, Court's orders : Court's or Judge's orders

and Registrar's orders. :

CORAM: R.M.S. KHANDEPARKAR &

P.V. KAKADE, JJ.

DATED: 9TH MARCH, 2005

P.C.:

1. In view of disposal of the writ petition No. 400 of 2005, the application does not survive and stands disposed of.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)